

Interim Governance Committee

MINUTES

11/16/09

10:00 A.M.

SC BUDGET & CONTROL BOARD, OFFICE OF RESEARCH AND STATISTICS

MEETING CALLED BY	Emma Forkner, Director, DHHS; Bobby Bowers, Director, B&CB ORS
TYPE OF MEETING	Orientation Meeting
FACILITATOR	Emma Forkner
NOTE TAKER	Tracy Smith, ORS
COMMITTEE MEMBERS PRESENT	J. Thorton Kirby, President & CEO, South Carolina Hospital Association Graham Adams, Ph.D., CEO, SC Office of Rural Health John G. Black, M.D., President, SC Medical Association Wyman Bowers, Associate General Counsel, SC Medical Association Lathran Woodard, CEO, SC Primary Healthcare Association Don Ray, President, SC Pharmacy Association Carmelo Cinqueonce, CEO, SC Pharmacy Association Emma Forkner, Director, SC DHHS Bobby Bowers, Director, SC Budget and Control Board, ORS Guang Zhao, SC Dept. of Health and Environmental Control Sue Veer, Board Chair, Lakelands Rural Health Network Jay Moskowitz, President and CEO, Health Sciences South Carolina Myra Wearing Cochran, Consumer
PRESENTERS AND OBSERVERS	Celeste Jones, Shareholder, McNair Law Firm Kelly Jolley, Associate, McNair Law Firm Dierdra Singleton, Deputy Director, General Counsel, SC DHHS W. David Patterson, Ph.D., Chief, ORS, Health and Demographics Bruce Carter, Assistant General Counsel, SC DHHS Byron Roberts, Assistant General Counsel, SC DHHS Todd Thornberg, Health Sciences South Carolina Wayne Weart, President-Elect, South Carolina Pharmacy Association Sandra Kelly, Operations Manager, ORS. Health and Demographics Tracy Smith, Privacy Officer, ORS, Health and Demographics

Agenda topics

WELCOME AND INTRODUCTIONS

EMMA FORKNER & DAVID PATTERSON

DISCUSSION	All Committee Members, or an organizational representative, were present. This meeting served as an "orientation" meeting to learn of the requirements set forth by the HITECH Act under ARRA; the status of HIT in South Carolina and how it relates to the HITECH Act; and the responsibilities of the Interim Governance Committee.
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OVERVIEW OF HITECH ACT

CELESTE JONES

DISCUSSION	The primary goal of the health IT provisions in ARRA is the adoption of EMRs by providers and hospitals in an effort to become "meaningful users".
	The new law builds on HIPAA, holding covered entities, and now business associates, to a privacy standard and establishes civil and criminal penalties for violations.
	Must resolve the conflicting objectives of expanding the sharing of data among providers and protecting the privacy of patients and securing their PHI (data).

OVERVIEW OF THE STATE HEALTH INFORMATION EXCHANGE GRANT PROGRAM

EMMA FORKNER

DISCUSSION	HITECH grants are all about HIT adoption and "Meaningful Use"; Medicaid and Medicare providers will receive entitlement payments to purchase, upgrade or subscribe to an EMR with the goal of connecting to an HIE and becoming a "Meaningful User."
Todd Thornberg (HSSC) will serve as the Grants Coordinator for both the HIE grant and the Regional Extension Centers grant.	

EXECUTIVE ORDER

DIERDRA SINGLETON

DISCUSSION	Governor Mark Sanford signed the Executive Order on 10/16/09 to establish the Interim Governance Committee to recommend strategies and policies to implement and sustain a statewide HIE. The Executive Order specifies the Committee's responsibilities in broad terms as well as appoints the Committee Members.
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SCHIEX PRESENTATION

DAVID PATTERSON

DISCUSSION	David discussed the evolution of SCHIEx to present day, its role as a component of "meaningful use" under HITECH, and the technical aspects of its operation. Data federation, nationally recognized standards and inherent security measures were emphasized.
South Carolina is ahead of the curve with regard to in-production HIEs loaded with 10+ years of claim-based history; its ability to connect to the NHIN; its adaptability to various external EMRs; and the fact that from inception, SCHIEx was designed to be a statewide network.	

OPEN DISCUSSION

DISCUSSION	
Jay Moskowitz nominated Emma Forkner as Interim Committee Chairperson; Emma accepted the nomination on the condition that the position is only for the Interim.	
Sue Veer listed the six steps used by LRHN that should be addressed by the Committee:	
<ol style="list-style-type: none"> 1) Philosophy Statement; Jay Moskowitz suggested adding a Statement of Principles 2) Global participation agreement; David Patterson mentioned looking at the Federal DURSA – Data Use and Reciprocal Support Agreement 3) Site Administrator job description 4) A required statement to be included in each Notice of Privacy Practices 5) Educational materials for providers 6) Penalties 	
Other suggestions offered:	
<ul style="list-style-type: none"> • T. Kirby: Use the LRHN documents as a template for the HIE documentation, agreements, etc.; the Philosophy Statement (Statement of Principles) will require a significant amount of thought and time to establish a solid governance foundation. • C. Jones and K. Jolley: Set up for success early - ensure public input; maintain transparency; build a strong governance up front. • D. Patterson: Provide an update on the governance issues at the HIT Summit meetings. • J. Moskowitz: Lean on other's experience and expertise such as LRHN and even other states. • J. Black and W. Bowers: Address provider education for the rural providers, the older (EMR when I retire) providers; emphasize Federal law; seek out avenues to reach out to such providers aside from professional associations. • B. Bowers: Must address sustainability and fee structures. 	
Potential Subcommittees (not yet formalized) will address:	
<ul style="list-style-type: none"> • Philosophy Statement and Statement of Principles • Legal documents: Business Associate Agreements; Contracts; Data Use Reciprocal and Support Agreements • Provider Outreach and Education 	

CONCLUSIONS

- Recurring theme of “Don’t reinvent the wheel”; take advantage of experience and expertise.
- Miscellaneous:
 - Meetings will occur monthly
 - Any Member sending his/her designee is asked to send that same designee each time for continuity purposes.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Convert HITECH timelines to a plan of action		
Provide McNair Law Firm with existing LRHN governance documents, draft and otherwise	Tracy Smith Sue Veer	
Set a date and agenda for a December 2009 meeting	Emma Forkner	
Provide update and information at the next HIT Summit		